

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to  
Assistant Commissioner for Patents, Washington, D.C. 20231, on:  
MAYLEE JENKINS

May 31, 2002  
Date of Signature

  
Signature



COPY OF PAPERS  
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# 4

PATENT APPLICATION  
B588-027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Hiroto Yoshii  
Serial No. : 10/081,554  
Filed : February 22, 2002  
For : PROBE DESIGNING METHOD AND INFORMATION PROCESSING  
APPARATUS  
Examiner : Unassigned  
Art Unit : 1645

Assistant Commissioner for Patents  
Washington, D.C. 20231  
BOX MISSING PARTS

Sir:

LETTER CONCERNING NOTICE TO FILE MISSING PARTS

Enclosed is a copy of the "Notice to File Missing Parts of Nonprovisional Application - Filed under 37 C.F.R. § 1.53(b) - Filing Date Granted," a copy of the executed "Combined Declaration and Power of Attorney for Patent Application" form as filed in the above-identified application, a copy of the "Utility Patent Application Transmittal" Form indicating that the executed declaration was enclosed when the application was filed and a copy of the postcard on which receipt of the declaration was acknowledged by the USPTO. In addition, Applicant obtained telephonic verification from Ms. Deshawn Durham of the Initial Patent Examination Division on May 1, 2002 that the declaration was received by the USPTO with the application. Applicant therefore respectfully submits that the Notice to File Missing Parts was issued in error. Accordingly, no additional fees are believed to be due based on applicant's properly filed application. However, authorization is granted to charge our deposit account no. 18-1644 for any fees necessary to avoid abandonment of this application.

With respect to the indication that the application fails to comply with the requirements of 37 C.F.R. § 1.821-1.825 pertaining to Sequence Listings, such is respectfully traversed. Particularly, applicant submits that the requirements of 37 C.F.R. § 1.821-1.825 are not applicable with respect to this application. This is based upon the present application not being a sequence application but rather the disclosure of sequences in the application being provided merely for illustrative purposes so as to describe both the method and apparatus of the present invention, namely, the probe designing method of designing a base sequence to be used as a probe to perform gene analysis and the information processing apparatus for realizing the probe designing method. Based upon this disclosure being only for illustrative purposes, applicant therefore respectfully submits that a sequence listing is not required for the present application and that the provisions relating to Sequence Listings are not applicable to the present application. Accordingly, it is requested that such requirement be withdrawn from the present application.

If a telephone conference with the undersigned counsel would be helpful with respect to the above matters, the undersigned counsel can be reached at (212) 682-9640.

Dated: May 31, 2002

Respectfully submitted,



ROBIN, BLECKER & DALEY  
330 Madison Avenue  
New York, New York 10017  
T: (212) 682-9640

Marylee Jenkins  
Reg. No. 37,645  
An Attorney of Record



JJT/mde  
HON. COMMISSIONER OF PATENTS:

02/22/02

B588-027

We are forwarding herewith Patent Application w/ USPTO credit  
card form for \$1,364; Specs (49 pgs); \* in the application of

Hiroto Yoshii Serial No. Unassigned

PROBE DESIGNING METHOD AND INFORMATION PROCESSING  
for APPARATUS

filed Herewith; in Group Unassigned

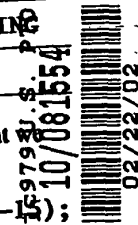
Kindly have the Mail Room stamp this card and return it to us, so that

may know the above has been duly received.

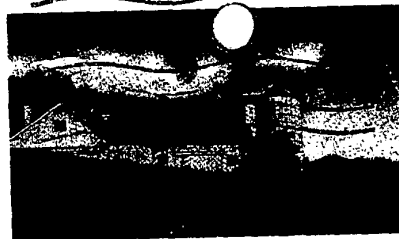
\* Abstract; Claims 1-50; Formal Drawings (Figs. 1-15);  
Assignment; Recordation Cover Sheet w/ USPTO credit card  
form for \$40; Declaration w/ Respectfully,  
Power of Attorney; return card

ROBIN, BLECKER & DALEY

EXPRESS MAIL LABEL NO. EL175651396US

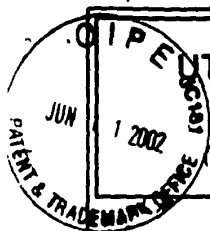


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ROBIN, BLECKER & DALEY  
330 MADISON AVENUE  
NEW YORK, NY 10017





# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
B588-027

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**PROBE DESIGNING METHOD AND INFORMATION PROCESSING APPARATUS**

and invented by:

**Hiroto Yoshii**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 49 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
**B588-027**

Total Pages in this Submission

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets                      16
- b. ☐ Informal                      Number of Sheets                      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☒ Newly executed *(original or copy)*                      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney                      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☒ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement/PTO-1449                      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class    ☒ Express Mail *(Specify Label No.):* EL175651396US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
B588-027

Total Pages in this Submission

**Accompanying Application Parts (Continued)**

17. ☒ Additional Enclosures *(please identify below)*:

Claim is made under 35 USC 119 for the benefit of the filing date of Japanese Patent Application Nos. 2001-055465 filed February 28, 2001 and 2002-023953 filed January 31, 2002. Certified copies of the applications will be filed in due course.

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
B588-027

Total Pages in this Submission

**Fee Calculation and Transmittal**

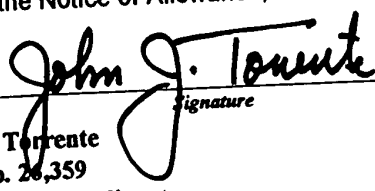
**CLAIMS AS FILED**

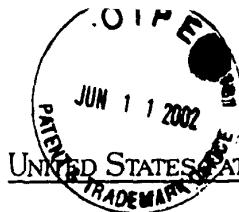
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	50	- 20 =	30	x \$18.00	\$540.00
Indep. Claims	4	- 3 =	1	x \$84.00	\$84.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$740.00
					\$0.00
OTHER FEE (specify purpose) _____					
TOTAL FILING FEE					\$1,364.00

- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 18-1644 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: February 22, 2002

cc: CUSTOMER ID. NO. 26272

  
John J. Torrente  
Reg. No. 26,359  
Attorney for Applicant  
Filed Under 1.34(a)  
Robin, Blecker & Daley  
330 Madison Avenue  
New York, NY 10017  
(212) 682-9640



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/081,554	02/22/2002	Hiroto Yoshii	B588-027

CONFIRMATION NO. 4281

26272  
ROBIN BLECKER & DALEY  
2ND FLOOR  
330 MADISON AVENUE  
NEW YORK, NY 10017

## FORMALITIES LETTER



\*OC000000007763835\*

Date Mailed: 04/02/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216



- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE